

### REMARKS

Claims 1-52 are pending in the application. Claims 1-8, 10-18, 20-25 and 27-52 were rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over Sulich et al. (U.S. Patent No. 5,875,412). Claim 9 was rejected under 35 U.S.C. 103(a) as being obvious over Sulich et al. in view of Fastenrath (U.S. Patent No. 5,889,477). Claims 19 and 26 were rejected under 35 U.S.C. 103(a) as being obvious over Sulich et al. in view of Ohmura et al. (U.S. Patent No. 6,125,326).

Please cancel Claim 3 without prejudice.

Claim 38 has been amended to change "microprocessor" to "microphone". No new matter has been added. Entry of the amendment is respectfully requested.

Regarding the rejections of the claims, firstly, the in vehicle unit 18 in FIG. 5 of Sulich et al. fails to comprise a mobile terminal and a separate ITS (Intelligent Transportation System) terminal, which are constructed in a navigation terminal as recited in the claims of the present application, the mobile terminal being a conventional mobile terminal. As to Claim 3 of the present application, the Examiner indicates that the in vehicle unit 18 of Sulich et al. is equivalent to the separate ITS terminal of the present application, however the terminal of Sulich et al. does not contain both a mobile terminal *and* a separate ITS terminal. Claim 1 has been amended to include the elements of Claim 3, and as amended, Claim 1 is believed to be in condition for allowance.

Also, as to Claims 4 to 7, the Examiner indicates that the wireless medium 74 shown in FIGS. 3 and 5 of Sulich et al. are equivalent to the mobile terminal of the present application. Applicants respectfully disagree. FIG. 3 of Sulich et al. only depicts that construction shown in FIG. 5 and illustrates a keyboard. In addition, the Examiner indicates that the wireless medium 74 of FIG. 5 is equivalent to the mobile terminal of the present application, which again is not the case. In view of the foregoing, Sulich et al. does not disclose an input/output method using a display and a keyboard of the conventional mobile terminal. As to the Examiner's position that the ITS terminal of the present application is equivalent to FIG. 4 or the in vehicle unit 18 of FIG. 5, Applicants respectfully submit that FIG. 4 of Sulich et al. only depicts a dashboard display, a unit that is equivalent to visual display 30 of FIG. 5 of Sulich et al., each of which is distinct from the ITS terminal recited in the claims of the present application.

As to Claims 8, 14 and 21, the present invention teaches a method for providing an optimum route based on traffic information collected in real time. Referring to col. 7, lines 28 to 30 of Sulich et al. indicated by the Examiner, it is conceded that Sulich et al. discloses providing traffic information to a database, however, there is no mention of providing an optimum route based on the traffic information as recited in the claims of the present application. That section of Sulich et al. cited by the Examiner is that which is presented in the present application as background of the invention.

Regarding Claim 12, the claim has been amended to include the element of providing the notification message about the node point as image data at the mobile terminal. Additionally, amended Claim 12 now recites a separate mobile terminal and a separate ITS terminal. As these elements are neither disclosed nor taught by Sulich et al., Claim 12 as amended is believed to be in condition for allowance.

As to Claim 18, the Examiner indicates that the mobile terminal of the present application is equivalent to the wireless medium 74 of FIG. 5 of Sulich et al. However, as stated above, Applicants note that the Examiner's indication relative to Claim 3 that the wireless communication network of the present invention is equivalent to the wireless medium 74 of FIG. 5 is not justified, as the wireless communication network of the present application is distinct from the wireless medium of Sulich et al. Additionally, amended Claim 18 now recites a separate mobile terminal and a separate ITS terminal.

Also, in regard to the Examiner's position that the step of transmitting route guidance data from the mobile terminal to the ITS terminal is disclosed at col. 7, line 65 to col. 8, line 1 of Sulich et al., Applicants submit that the cited portion of Sulich et al. merely describes the process of transmitting from a transmitter of a central processor to an in vehicle system. In addition, FIG. 2 of the present application clearly illustrates a conventional navigation service for displaying the traffic information through a mobile terminal similar to Sulich et al., which is quite different from the recitations of the claims of the present application for displaying the route guidance data.

As to Claim 32, the Examiner indicates, referring to col. 8, lines 32 to 39, that Sulich et al. teaches a mobile terminal comprising a navigation system that processes a call. In this regard, it is respectfully submitted that the section of Sulich et al. cited by the Examiner fails to describe

a first mode for processing a general telephone call using the mobile terminal, which can operate in a second mode for processing navigation information. In addition, referring to col. 4, lines 30 to 34 indicated by the Examiner, that section of Sulich et al. relates to a method for setting a destination using a telephone number, which bears no relation to the claims of the present application.

As to Claims 33 to 42, Sulich et al. fails to disclose the mobile terminal recited in the claims of the present application. It is respectfully submitted that the Examiner's indication that FIG. 3 of Sulich et al. is equivalent to the mobile terminal of the present invention is unjustified, because FIG. 3 only depicts a keyboard, which in appearance is similar to the keypad on a conventional telephone. Also, a display panel 54 of FIG. 3 of Sulich et al. represents a screen for displaying a destination telephone number, which does not relate to a call process as recited in the claims of the present application.

In regard to the claim rejections under 35 U.S.C. §103(a), the Examiner indicates that Ohmura et al. teaches a mobile device containing a display capable of displaying image data. However, it is respectfully noted that the display disclosed in Ohmura et al. is a sub-navigation display. In this regard, the display recited in the claims of the present application is a main display using a display of the mobile terminal that allows the apparatus of the present application to operate without a sub-navigation unit.

Conclusively, the claims of the present application provide a navigation system comprising a ITS terminal and a mobile terminal, respectively. Thus, the navigation system of the present application is compatible with a conventional mobile terminal, and therefore a user can use an existing mobile terminal to conduct navigation processing. However, the apparatus disclosed in Sulich et al. only provides an apparatus for establishing a communication link utilizing a wireless communication medium, and as stated on col. 7, lines 22 to 47 and FIG. 5 of Sulich et al., the apparatus refers to a transmitter 20 and a receiver 22 and to an element mounted in the in vehicle system 18. Neither Ohmura et al. nor Fastenrath cure away of these deficiencies.

Based on at least the foregoing amendments and remarks, withdrawal of the rejections of the claims of the present application is warranted.

Independent Claims 1, 12, 18, 25, 32 and 41 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-11, 13-17, 19-25,

26-31, 33-40 and 42-52, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 4-11, 13-17, 19-25, 26-31, 33-40 and 42-52 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2 and 4-52, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell".

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM